



DRI Product Liability Seminar
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Everything You Wanted/Needed to Know About Ethics
in 60 Minutes or Less

Session Title: Ethics Presentation - Extremely Ethical

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Biographical Information

Jeff Curran is a shareholder in the Oklahoma City office of GableGotwals. His practice focuses on product liability defense, insurance matters, intellectual property litigation, and commercial litigation. He also maintains an entertainment law practice, representing motion picture production companies, musicians, and recording companies in contract negotiation, licensing and related areas. Jeff is a past Chair and Vice Chair of the Defense Research Institute's Automotive Specialized Litigation Group, as well as the former Chair and Newsletter Editor for the Automobile Law Committee of the ABA's Tort, Trial and Insurance Practice Section.

Jeff authored *Expert Witnesses: Automobile and Accident Reconstruction Cases*, a Thomson Reuters publication now in its 13th edition. He is the Regional Editor of the 2020 edition of the DRI Reservation of Rights Compendium for the Arkansas, Kansas, Mississippi, Nebraska, and Oklahoma chapters. He has also written on various other subjects in litigation and commercial litigation, and has written and presented several lectures on professionalism and ethics.

Jeff is also a Certified Fire and Explosion Investigator.

He is a member of the International Association of Defense Counsel (IADC), the Federation of Defense and Corporate Counsel (FDCC) the National Fire Protection Association; the National Association of Fire Investigators; the ABA's Products, General Liability and Consumer Law Committee, Insurance Coverage Litigation Committee, Intellectual Property Committee, Litigation Committee, and the Entertainment and Sports Law Forum. He is a member of the DRI's Product Liability Committee, Insurance Law Committee, and Trucking Law Committee.

Everything You Wanted/Needed to Know About Ethics in 60 Seconds or Less

OK, with a title like that, you're already thinking you've been lied to and that I have ironically violated a ton of ethics rules. This presentation will actually take much longer than sixty seconds. It takes roughly an hour, which many of you will undoubtedly note is made up of sixty *minutes*, not sixty seconds. See- right there, I can tell you're tuning out.

But wait! Don't start surfing the 'Net just yet. I actually CAN tell you everything you need to know in sixty seconds or less. And hopefully, I can do it in a relatively entertaining and memorable way. (Note the presence of the qualifiers "hopefully" and "relatively". I have inserted these for the sole purpose of staving off possible legal action in case you are in fact either not entertained or don't find the presentation particularly memorable).

Now, being the smart person that you are (as evidenced by the fact that you are attending this seminar), you're undoubtedly saying to yourself, "Wait a minute. If you CAN do it in sixty seconds or less, why DON'T you? Why does your presentation take an hour?" Another good, logical question indeed. The answer is that most states require an hour, so I give you an hour. It's just that the important stuff can be covered in sixty seconds.

Granted, it is a very *compact* sixty seconds, at least the way I do it. So maybe it is better to use the whole hour in an attempt to get more of it to sink in. Thus, when you watch the presentation, try to pay as much attention as possible. This is no small task, given that right now, you're likely thinking about the following, in no particular order: lunch, shopping on amazon, what show you're going to see, playing the slots, the big trial/depo/client pitch coming up, dinner, golf, the new car you want/just got, etc. So, give it your best shot- it is ethics after all, and pretty darned important.

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First of all, the concept of ethics is easy. *Try to do the right thing all the time*. Why, then do we have to sit through at least an hour's worth of ethics presentation every year? (Other than the obvious answer, which is the same one we got when we were kids: "because"). OK, change the question: Why are we required to sit through at least an hour's worth of ethics lectures every year, if the concepts are easy?

I suppose the answer is that it's just that darned important, that's why. Now eat your vegetables, sit back, hold on, and read - because here are the easy concepts. You may even have to read them a few times to get to the sixty-second mark, but here goes:

Everything I Need To Know About Ethics
I (Should Have) Learned in Law School

[Note: I would have called this "Ethics for Dummies", but it's heavily copyrighted, and I wanted to avoid protracted litigation and/or getting beaten up.]

1. Don't cheat
2. Don't lie
3. Be fair
4. Don't mix your client's money with your own (also known as "co-mingling", but I just thought it was easier to say "don't mix").
5. Don't charge too much
6. Don't "dilly-dally" (a highly technical term, which when literally translated means "get off your backside and get it done").
7. Let your client know what's going on
8. Don't take a case if you can't give 100% to your client

9. Don't tell a client's secrets unless they give you express permission

10. Don't bring a claim or defense unless you can write it/say it with a straight face

There you go.

But wait- there's more! (Isn't there always?). Since I have to fill up the whole hour, I have a nice visual presentation, complete with all sorts of video and production tricks in the continuing effort to keep your attention and make you think. I have also attached a breakdown of the rules as a handy guide so in case you need/want to remember some of the things I've been over, you can.

What have I *not* done? I haven't given you any cites or opinions or anything else practically useful. Had I done so, I would have had to have done actual research (*i.e.*, "work"), and then listed the case(s), and before you know it you're asleep (assuming you've stayed around to listen to me in the first place). Plus I would have had to change the title, and frankly I think the title is kind of catchy. Since I didn't want to do that and clutter up this presentation with things like "the law", I just made the accompanying presentation.

If you need/want more in a written form, here's the link to the ABA Model Rules. http://www.abanet.org/cpr/mrpc/mrpc_toc.html. There you will find all the detail you may want/need/care about. You can find a particular area or sub-topic, and ethic yourself into a veritable frenzy. The Table of Contents, so you can get a jump on what you may need to look up (or just something to read now so you can look like you're paying attention) is attached here as an exhibit.

Conclusion

The conclusion looks a whole lot like the body – but I feel obligated to have a
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“conclusion” section, so here you go. What it all comes down to is this: do the right thing, or at least try to. Like you would hear in any bail-bond commercial, I hope you never need me or need to resort to what we’re trying to explain. But if you do, I’m glad to know I helped - or at least was relatively entertaining and made you think at the same time. And if you weren’t either entertained or I didn’t actually make you think, remember that I wasn’t paid to be here, so there’s no consideration and thus no chance for a breach of contract action against me.

Exhibit “A”- Table of Contents for the Model Rules

1. Client-Lawyer Relationship

- Rule 1.1 Competence
- Rule 1.2 Scope of Representation and Allocation of Authority Between Client and Lawyer
- Rule 1.3 Diligence
- Rule 1.4 Communications
- Rule 1.5 Fees
- Rule 1.6 Confidentiality of Information
- Rule 1.7 Conflict of Interest: Current Clients
- Rule 1.8 Conflict of Interest: Current Clients: Specific Rules
- Rule 1.9 Duties to Former Clients
- Rule 1.10 Imputation of Conflicts of Interest: General Rule
- Rule 1.11 Special Conflicts of Interest for Former and Current Government Officers and Employees
- Rule 1.12 Former Judge, Arbitrator, Mediator or Other Third-Party Neutral
- Rule 1.13 Organization as Client
- Rule 1.14 Client with Diminished Capacity
- Rule 1.15 Safekeeping Property
- Rule 1.16 Declining or Terminating Representation
- Rule 1.17 Sale of Law Practice
- Rule 1.18 Duties to Prospective Client

2. Counselor

- Rule 2.1 Advisor
- Rule 2.2 (Deleted)
- Rule 2.3 Evaluation for Use by Third Persons
- Rule 2.4 Lawyer Serving as Third-Party Neutral

3. Advocate

- Rule 3.1 Meritorious Claims and Contentions
- Rule 3.2 Expediting Litigation
- Rule 3.3 Candor toward the Tribunal
- Rule 3.4 Fairness to Opposing Party and Counsel
- Rule 3.5 Impartiality and Decorum of the Tribunal
- Rule 3.6 Trial Publicity
- Rule 3.7 Lawyer as Witness
- Rule 3.8 Special Responsibilities of a Prosecutor
- Rule 3.9 Advocate in Nonadjudicative Proceedings

4. Transactions with Persons Other Than Clients

- Rule 4.1 Truthfulness in Statements to Others
- Rule 4.2 Communication with Person Represented by Counsel
- Rule 4.3 Dealing with Unrepresented Person
- Rule 4.4 Respect for Rights of Third Persons

5. Law Firms and Associations

- Rule 5.1 Responsibilities of a Partner or Supervisory Lawyer
- Rule 5.2 Responsibilities of a Subordinate Lawyer
- Rule 5.3 Responsibilities Regarding Nonlawyer Assistant
- Rule 5.4 Professional Independence of a Lawyer
- Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice of Law
- Rule 5.6 Restrictions on Rights to Practice
- Rule 5.7 Responsibilities Regarding Law-related Services

6. Public Service

- Rule 6.1 Voluntary Pro Bono Publico Service
- Rule 6.2 Accepting Appointments
- Rule 6.3 Membership in Legal Services Organization
- Rule 6.4 Law Reform Activities Affecting Client Interests
- Rule 6.5 Nonprofit and Court Annexed Limited Legal Services Programs

7. Information About Legal Services

- Rule 7.1 Communication Concerning a Lawyer's Services
- Rule 7.2 Advertising
- Rule 7.3 Direct Contact with Prospective Clients
- Rule 7.4 Communication of Fields of Practice and Specialization
- Rule 7.5 Firm Names and Letterhead
- Rule 7.6 Political Contributions to Obtain Legal Engagements or Appointments by Judges

8. Maintaining the Integrity of the Profession

- Rule 8.1 Bar Admission and Disciplinary Matters
- Rule 8.2 Judicial and Legal Officials
- Rule 8.3 Reporting Professional Misconduct
- Rule 8.4 Misconduct
- Rule 8.5 Disciplinary Authority; Choice of Law